HOUSE DOCKET, NO. 4364 FILED ON: 5/24/2023

HOUSE . . . . . No. 4047

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to establishing a trust to administer a length of service award program for the Swansea Fire Department.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Patricia A. Haddad	*5th Bristol*	*5/24/2023*
Steven S. Howitt	*4th Bristol*	*10/18/2023*

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By Representative Haddad of Somerset, a petition (accompanied by bill, House, No. 4047) of Patricia A. Haddad (by vote of the town) that the town of Swansea be authorized to establish a trust to administer a length of service award program for volunteer firefighters of the fire department of said town. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to establishing a trust to administer a length of service award program for the Swansea Fire Department.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Notwithstanding any other general or special law to the contrary, the Swansea Board of Selectmen is authorized to establish a Trust to administer a Length of Service Award Program for the volunteer firefighters of the Swansea Fire Department.

Section 2: The Trust shall be established in such a manner as to ensure that this Program constitutes a deferred compensation plan for federal taxation purposes.

Section 3: This Trust may be funded from time to time through gifts, bequests, and grants, as well as through appropriations by the Swansea Town Meeting; provided, that once so appropriated, the Swansea Town Meeting may not reappropriate any such funds to another purpose; further provided, that any appropriations by the Swansea Town Meeting prior to the effective date of this Act for the purpose of funding any length of service award program for volunteer firefighters shall be deemed to be an appropriation into this Trust; further provided,

that individual volunteer firefighters shall not be eligible to make personal contributions to the Trust.

Section 4: The Swansea Board of Selectmen, through the Trust document, shall establish Program eligibility criteria, procedures for designating beneficiaries, requirements for the allocation, vesting, and distribution of benefits, and any standards for the forfeiture of benefits. In no event shall the Program allow for the distribution of Trust assets to anyone who has not been a volunteer firefighter of the Town of Swansea, or who is not a designated beneficiary of the same, or allow for any vesting criteria other than length of service.

Section 5: The Trust assets shall be held in a separate account, and the management and investment of the Trust assets may be undertaken by the Swansea Treasurer, or by a third-party administrator, at the discretion of the Swansea Board of Selectmen. Any such third-party administrator shall be paid from the Trust assets.

Section 6: There shall be no minimum funding obligation for this Trust, and any distributions of the assets of the same shall be predicated upon available funding. The Swansea Board of Selectmen shall ensure that the Trust is established and administered such that any shortfall in funding impacts all beneficiaries in proportion to their respective maximum benefits allocations under the Program.

Section 7: This Act shall take effect upon its passage.